

BEST AVAILABLE COPY

Appl. No. 09/902,144
Docket No. 8633
Amdt. dated February 15, 2007
Reply to Office Action mailed on October 17, 2006
Customer No. 27752

RECEIVED
CENTRAL FAX CENTER
FEB 15 2007

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A method of optimizing shelf space at least one factor associated with a product in a scenario by generating an optimal value for shelf space set data, wherein said method comprises the steps of:

(i) receiving factor data associated with [[a]] the product, selected [[form]] from the group chosen from ~~consisting of~~ categories, financial data, and product identification; and shelf space set

~~(ii) selecting one factor for optimization wherein said one factor for optimization is shelf space;~~

~~[[(iii)]]~~ (ii) receiving hypothetical sets of constant value data, and assigning the hypothetical sets of constant data to said factor data; , wherein a predetermined value for one or more of said factor data is known;

(iii) receiving shelf space set data;

(iv) receiving optimizing instructions data operable to determine an optimal value for the shelf space set data said one factor selected for optimization;

~~(v) receiving hierarchical data operable to associate one or more of the categories and the product identification into a hierarchy~~

~~(vi) receiving scenario data operable to associate one or more of the categories and the product identification into a hierarchy~~

~~(vii) using said optimizing instruction data to optimize said one factor and generate a scenario optimal value for each of said hypothetical sets of said constant value data.~~

BEST AVAILABLE COPY

Appl. No. 09/902,144
Docket No. 8633
Amdt. dated February 15, 2007
Reply to Office Action mailed on October 17, 2006
Customer No. 27752

(v) inputting said factor data, hypothetical sets of constant value data, and said optimizing instructions in a computer program executable on a computer;

(vi) executing the computer program on the computer to generate the optimal value for the shelf space set data.

Claims 2-5 (Canceled)

6. (Currently Amended) The method of claim [[5,]] 1, further comprising: using historical values for the factor data ~~factors not being optimized~~ to modify the calculation.

Claims 7-15 (Canceled).

16. (Currently Amended) ~~The data of claim 8,~~ The method of claim 1, wherein the factor data further includes a store identification, a geographical identification, ~~[[and]]~~ a manager identification, or combinations thereof.

Claims 17-22 (Canceled)

23. (Currently Amended) The system of claim 17, wherein ~~the data collection set of executable instructions collects~~ at least a portion of the factor data is dynamically received as a sale occurs within a store.

24. (Canceled)